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AKERMAN SENTERFITT  
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**DEC 21 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Melvin R. Kennedy et al	:	
Application No. 10/804,973	:	DECISION ON PETITION
Filed: March 19, 2004	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 6865-18-2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 5, 2005, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by Mark D. Passler of Melvin R. Kennedy, stating that the inventor is over 65 years of age. Mark D. Passler is not the applicant and the petition does not include evidence of age.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
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Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3764 for action in its regular turn.

A handwritten signature in black ink, appearing to read 'David Pucci', is written over the printed name.

David Pucci  
Petitions Examiner  
Office of Petitions